

## **APPENDIX A: REGIONAL PLANNING AGENCIES**

The regional planning agencies offer a variety of services, including mapping. Contact your regional planning office to learn about services available in your region.

### **Berkshire County Regional Planning Commission**

33 Dunham Mall, Pittsfield, MA 01201; (413) 442-1521

<http://www.berkshireplanning.org/>

### **Cape Cod Commission**

3225 Main Street, P.O. Box 226, Barnstable, MA 02630; (508) 362-3828

<http://www.capecodcommission.org/>

### **Central Massachusetts Regional Planning District Commission**

35 Harvard Street #2, Worcester, MA 01609-2801; (508) 756-7717

<http://www.cmrpc.org/>

### **Franklin County Planning Commission**

425 Main Street, Greenfield, MA 01301; (413) 774-3167

<http://www.frcog.org/>

### **Martha's Vineyard Commission**

Box 1447, Oak Bluffs, MA 02557; (508) 693-3453. No website.

### **Merrimack Valley Planning Commission**

160 Main Street, Haverhill, MA 01830; (508) 374-0519

<http://www.mvpc.org/>

### **Metropolitan Area Planning Council**

60 Temple Place, Boston, MA 02111; (617) 451-2770

<http://www.mapc.org/>

### **Montachusett Regional Planning Commission**

R1427 Water Street, Fitchburg, MA 01420; (978) 345-7376

<http://www.mrpc.org/>

### **Nantucket Planning and Economic Development Commission**

1 East Chestnut Street, Nantucket, MA 02554; (508) 228-7237

<http://www.town.nantucket.ma.us/departments/npedc.html>

### **Northern Middlesex Council of Governments**

Gallagher Terminal, Floor 3B, 115 Thorndike Street, Lowell, MA 01852; (508) 454-8021

<http://www.nmcog.org/>

### **Old Colony Planning Council**

70 School Street, Brockton, MA 02301; (617) 583-1833

<http://www.ocpcrta.org/>

### **Pioneer Valley Planning Commission**

26 Central Street, West Springfield, MA 01089; (413) 781-6045

<http://www.pvpc.org/>

### **Southeastern Regional Planning and Economic Development District**

88 Broadway Taunton, MA 02780; (508) 824-1367

<http://www.srpedd.org/>

## APPENDIX B: STATE AGENCY CONTACT LIST

### *State Environmental Agencies*

#### **Executive Office of Environmental Affairs (EOEA)**

Massachusetts' state agency focusing on environmental interests, concerns and initiatives including: Community Preservation, Open Space Protection, Biodiversity, Environmental Education and Pollution Prevention.

EOEA

251 Causeway Street, Suite 900

Boston, MA 02114

Phone: (617) 626-1000

Fax: (617) 626-1181

<http://www.state.ma.us/envir>.

#### **EOEA Offices:**

##### **Division of Conservation Services:**

Provides information on open space grant programs, conservation restrictions and open space planning.

Phone: (617) 626-1010

<http://www.state.ma.us/envir/conservation>

##### **Coastal Zone Management:**

Provides technical assistance to municipalities, and programs such as the Harbor Planning Program promoting sustainable development in these vital economic areas.

251 Causeway St., Suite 900

Boston, MA 02114-2119

Phone: (617) 626-1200

FAX: (617) 626-1240

<http://www.state.ma.us/czm/czm.htm>

##### **MassGIS**

Massachusetts Geographic Information Systems

251 Causeway St., Suite 900

Boston, MA 02114-2119

Phone: (617) 626-1000

Fax: (617) 626-1249

<http://www.state.ma.us/mgis/massgis.htm>

#### **EOEA Departments**

##### **Department of Environmental Management (DEM)**

251 Causeway St., Suite 600

Boston, MA 02114-2104

Phone: (617) 626-1250

<http://www.state.ma.us/dem>

##### ▪ **Area of Critical Environmental Concern Program**

<http://www.state.ma.us/dem/programs/acec/index.htm>

Identifies and analyzes critical resource areas for designation as Areas of Critical Environmental Concern (ACEC).

##### ▪ **Coastal Access Program**

<http://www.state.ma.us/dem/programs/acec/index.htm>

Coordinates, promotes, and implements programs to improve public access to the coast within the Commonwealth.

##### ▪ **Greenways and Trails Programs**

<http://www.state.ma.us/dem/programs/coastal/coastal.htm>

Plans for and coordinates protection of Massachusetts greenways, trails and rivers; includes grants program.

- **Lakes and Ponds**

<http://www.state.ma.us/dem/programs/lakepond/lakepond.htm>

Ongoing lake quality monitoring for DEM and other public lakes; public education, workshops, technical assistance, small grants; contract supervision of the Clean Lakes projects.

- **Historic Landscape Preservation Grant Program**

<http://www.state.ma.us/dem/programs/histland/histland.htm>

Provides grants and technical assistance for the preservation of municipally owned historic landscapes listed or eligible for listing on the State or National Register of Historic Places.

**Department of Environmental Protection (DEP)**

1 Winter Street, 2<sup>nd</sup> Floor

Boston, MA 02108

Phone: (617) 292-5500

<http://www.state.ma.us/dep>

- **Wetlands Protection Program**

<http://www.state.ma.us/dep/consumer/protwet.htm>

- **Wetlands Conservancy Program**

<http://www.state.ma.us/dep/consumer/protwet.htm>

- **Division of Municipal Services Grants Programs**

<http://www.state.ma.us/dep/brp/mf/files/grantfs.htm>

- Water Quality Management Planning Program
- Nonpoint Source Pollution Program
- Water Quality and Wetlands Program

- **Network of Home Composters Workshops**

<http://www.state.ma.us/dep/consumer/comwkshp.htm>

- **Drinking Water Program:**

<http://www.state.ma.us/dep/brp/dws>

**Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE)**

251 Causeway Street, Suite 400

Boston, MA 02114-2104

(617) 626-1500

<http://www.state.ma.us/dfwele>

- **Massachusetts Riverways Programs**

<http://www.state.ma.us/dfwele/river>

- **Education Programs**

<http://www.state.ma.us/dfwele/dfw/dfweduc>

- **Massachusetts Natural Heritage and Endangered Species Program**

<http://www.state.ma.us/dfwele/nhesp/heritage>

**Department of Food and Agriculture (DFA)**

251 Causeway Street, Suite 500

Boston, MA 02114

Phone: (617) 626-1700

Fax: (617) 626-1850

<http://www.state.ma.us/dfa>

**Metropolitan District Commission (MDC)**

20 Somerset Street

Boston, MA 02108

Phone: (617) 727-5114

<http://www.state.ma.us/mdc>

***Links to Other State Agencies*****Department of Housing and Community Development**

Provides planning and community development consulting services, and information on the Community Preservation Act.

One Congress Street, 10<sup>th</sup> Floor

Boston, MA 02114

Phone: (617) 727-7001

<http://www.state.ma.us/dhcd>

**Executive Office of Administration and Finance, Division of Capital Asset Management** provides information about all state-owned land located within a municipality.

One Ashburton Place

Boston, MA 02108

Phone: (617) 727-4050

Fax: (617) 727-5363

<http://www.state.ma.us/cam>

**Massachusetts Historical Commission:**

This is the state historic preservation office that identifies, evaluates and protects the Commonwealth's important historic and archaeological resources.

220 Morrissey Boulevard

Boston, MA 02125

Phone: (617) 727-8470

Fax: (617) 727-5128

TCC: 1-800-392-6090

<http://www.state.ma.us/sec/mhc>

**University of Massachusetts at Amherst**

UMass Extension State Offices and programs including Natural Resources and Environmental Conservation:

<http://www.umassextension.org/>.

**The Center for Rural Massachusetts:** <http://www-unix.oit.umass.edu/~ruralma/index.html>.

## **APPENDIX B: FEDERAL AGENCIES**

### **United States Department of the Interior, National Park Service**

<http://www.nps.gov/>

Land and Water Conservation Fund: <http://www.nps.gov/lwcf>.

River and Trail Conservation Assistance Program: <http://www.nps.gov/rtca>.

Urban Park and Recreation Recovery Program UPARR: <http://www.nps.gov/uparr>.

**United States Department of Agriculture, Natural Resources Conservation Service:** Provides technical information pertaining to the conservation of soil, water and related natural resources.

NRCS

451 West Street

Amherst, MA 01002

Phone: (413) 253-4351

<http://www.nrcs.usda.gov/>

## APPENDIX C: LAND TRUSTS AND NONPROFIT ORGANIZATIONS

### **Land Trust Alliance**

The Land Trust Alliance promotes voluntary land conservation across the country, provides resources, leadership, and training to the nation's 1,200-plus nonprofit, grassroots land trusts to help them protect important open spaces.

Land Trust Alliance  
1331 H Street NW, Suite 400  
Washington DC 20005-4734  
202-638-4725  
<http://www.lta.org/>

### **Massachusetts Land Trust Coalition**

An informal association of Massachusetts land trusts and conservation organizations.

Massachusetts Land Trust Coalition  
2 Clock Tower Place, Suite 500  
Maynard, MA 01754  
978-897-0739 phone  
978-461-0322 fax  
<http://www.massland.org/>

### **Other Environmental Organizations in Massachusetts**

<b>American Farmland Trust</b>	<a href="http://www.farmland.org/">http://www.farmland.org/</a>
<b>Association for the Preservation of Cape Cod</b>	<a href="http://www.apcc.org/">http://www.apcc.org/</a>
<b>Berkshire Natural Resources Council</b>	<a href="http://www.bnrc.net/">http://www.bnrc.net/</a>
<b>Coalition for Buzzards Bay</b>	<a href="http://www.savebuzzardsbay.org/">http://www.savebuzzardsbay.org/</a>
<b>Environmental League of Massachusetts</b>	<a href="http://www.environmentalleague.org/">http://www.environmentalleague.org/</a>
<b>Essex County Greenbelt Association</b>	<a href="http://www.ecga.org/">http://www.ecga.org/</a>
<b>Massachusetts Association of Conservation Commissions</b>	<a href="http://www.maccweb.org/home.html">http://www.maccweb.org/home.html</a>
<b>Massachusetts Audubon Society</b>	<a href="http://www.massaudubon.org/">http://www.massaudubon.org/</a>
<b>Nashoba Conservation Trust, Inc.</b>	<a href="http://www.nashobatrust.org/">http://www.nashobatrust.org/</a>
<b>New England Forestry Foundation</b>	<a href="http://www.neforestry.org/">http://www.neforestry.org/</a>
<b>Sudbury Valley Trustees</b>	<a href="http://www.sudburyvalleytrustees.org/">http://www.sudburyvalleytrustees.org/</a>
<b>The Trust for Public Land</b>	<a href="http://www.tpl.org/">http://www.tpl.org/</a>
<b>The Trustees of Reservations</b>	<a href="http://www.thetrustees.org/">http://www.thetrustees.org/</a>
<b>Valley Land Fund</b>	<a href="http://www.valleylandfund.org/">http://www.valleylandfund.org/</a>
<b>Walden Woods Project</b>	<a href="http://www.walden.org/">http://www.walden.org/</a>
<b>Wildlands Trust of Southeastern Massachusetts</b>	<a href="http://www.wildlandstrust.org/">http://www.wildlandstrust.org/</a>

## **APPENDIX D: PREPARING AN OPEN SPACE AND RECREATION PLAN UPDATE**

### **What is an Open Space and Recreation Plan Update?**

An update is what its name would have you believe: it is an up-to-date Open Space Plan. It is a complete plan containing all the components of an Open Space and Recreation Plan. The difference between an Update and a municipality's previous plan is that an update builds on the previous plan by revising those sections that no longer accurately reflect the character, needs, and goals of the community.

### **What Does an Update Contain?**

An update contains all the components of the previous plan, modified to reflect a current picture of the recreation and conservation needs and goals of the community and to provide a clear direction for the next five years.

### **What Sections Need to be Updated?**

Assuming that the most recent plan is based on the current planning requirements, the sections that need to be updated are those that have changed since the previous plan. Otherwise, a new plan is necessary and must be prepared pursuant to the current requirements. For example, sections such as demographics, goals and objectives, and the five-year action plan must be revised. Sections such as topography and history are not likely to have changed and therefore do not need to be rewritten, although they do need to be included. Some sections may not need revision unless some change has taken place: for example, Growth and Development Patterns should be revised if major transportation upgrades or new development has taken place or is planned (it is very likely that this will require an update); Water Resources should be updated to reflect wells that have been contaminated, new wells that may have been added, or if an inter-basin transfer is contemplated.

To the right is a general guide to the need for rewriting each section. Only your committee can determine whether a particular section needs to be rewritten due to changed circumstances.

SECTION	SUBSECTION	MUST BE REVISED	MAY NEED REVISION	NO CHANGE NECESSARY
<b>1: PLAN SUMMARY</b>		X		
<b>2: INTRODUCTION</b>	Statement of Purpose	X		
	Planning Process/Public Participation	X		
<b>3: COMMUNITY SETTING</b>	Regional Context		X	
	History of the Community			X
	Population Characteristics	X		
	Growth & Development Patterns		X	
<b>4: ENVIRONMENTAL INVENTORY AND ANALYSIS</b>	Geology, Soils, and Topography			X
	Landscape Character		X	
	Water Resources		X	
	Vegetation		X	
	Fisheries and Wildlife		X	
	Scenic Resources and Unique Environments		X	
	Environmental Challenges		X	
<b>5: INVENTORY OF LANDS OF CONSERVATION AND RECREATION INTEREST</b>	Private Parcels		X	
	Public and Nonprofit Parcels		X	
<b>6: COMMUNITY GOALS</b>	Description of Process	X		
	Statement of Open Space and Recreation Goals	X		
<b>7: ANALYSIS OF NEEDS</b>	Summary of Resource Protection Needs	X		
	Summary of Community's Needs	X		
	Management Needs, Potential Change of Use	X		
<b>8: GOALS AND OBJECTIVES</b>		X		
<b>9: FIVE YEAR ACTION PLAN</b>		X		
<b>10: PUBLIC COMMENTS</b>		X		
<b>11: REFERENCES</b>		X		



## APPENDIX E: LAND PROTECTION OPTIONS

Open space and resource protection is becoming increasingly complex - in terms of both the pressures impacting landowners and the many options available to protect land. Careful consideration and a creative approach are often required to determine the proper techniques, or combination of techniques, to be employed in each case.

Some of the available options are described briefly below. This is intended as an overview only: binding decisions should not be made without first consulting the appropriate advisor - whether it be for financial, legal, or other reasons. State and local governments and nonprofit conservation groups are good sources of additional information and guidance.

### **General Tips for Approaching Landowners**

1. **Know why you want to protect it** - To select the most appropriate protection strategy, it is important to know your objectives. For example, it may be determined that preservation of a specific viewshed and public pedestrian access are the primary objectives for a given tract. Having identified the objectives, you can explain to the landowners why you are interested in protecting their land. Determining the objectives also enables you to select the optimum strategy.
2. **Know what the owners want** - It is also essential to determine the desires and objectives of the property owners, and incorporate them into your proposed protection strategy. These concerns and desires may relate to numerous issues, including liquidating the equity that exists in the property; current or future tax burdens (including real estate, income and estate taxes); and family concerns regarding the future land uses on the property.
3. **Know the property itself** - It is also worthwhile to become familiar with the property before meeting with the owner. By demonstrating a sound knowledge of the physical characteristics of the property, you are likely to gain the respect of the landowner. Can you really expect landowners who consider their land significant and worthy of protection to be comfortable entrusting it to you if you aren't even familiar with its layout or resources?
4. **Be prepared to suggest several options** - Spend enough time studying the situation before contacting the owners to be prepared to suggest several possible approaches to them. Be able to explain the advantages to themselves and to the town of each option on the table.
5. **Build trust and stay in touch** - Once you are clear about your own objectives and the probable objectives of the landowners, it is time to approach them regarding protection of their land. At this point it is important to acknowledge the importance of trust in your relationship with the landowner. By demonstrating a knowledge and appreciation of the significance of their property, having a clear understanding of what they want to achieve, and a sound strategy to achieve it, a good foundation for trust is developed. By maintaining regular communication and monitoring specific circumstances affecting ownership and staying in touch over time, you can be properly positioned to react quickly if necessary. It is often at times of family distress or other need for property transfer that an opportunity to acquire, or otherwise protect, a parcel of critical importance exists. The existence of mutual trust often makes the difference between a successful or failed effort.

By taking the time to think through these issues ahead of time, and then discussing them with the landowners, you increase your chances of a successful encounter.

### **Specific Protection Techniques**

The following is a brief description of several ways that you can meet your resource protection objectives. These descriptions are not intended to make you an expert in their use, but rather to familiarize you with some of the most important issues to consider in each.

#### **Transfer of Title**

This is the most traditional, simple and sure means of protecting a given tract: the fee-simple interest is purchased by, or donated to, someone who wants to preserve the property. Although there are numerous variations on the use of this technique, this section will address the three most common: donations, sales and transferring title subject to attached conditions.

**Donation:** An individual may give his land to the town or a nonprofit land trust; that is, donate the fee interest. This is also called a complete charitable transfer or outright gift. There are also somewhat more

complicated arrangements. The landowner may opt to donate the property subject to a life estate, which allows her to live on the property for the rest of her life. Or, she may decide instead to donate property while retaining certain rights in the land (removing firewood, having general access rights, or retaining rights to keep a particular view open). However, these restrictions may reduce property value, and thus the tax savings.

Advantages of a donation:

1. It's free! Sometimes, certain indirect costs, such as appraisal, title, survey, hazardous waste inspection, recording fees, etc., must be borne by the grantee. However, even in these cases, since there is no purchase price, precious acquisition funds can be saved for another effort.
2. Donations, particularly complete charitable transfers, generate maximum allowable tax savings for a given property transfer. It is worth proposing, though you may not know which landowners are in a financial position to benefit from the tax consequences of a donation. Each landowner will need to consult an attorney or accountant familiar with these tax laws. However, for those to whom it is beneficial, it is one of the best ways to obtain significant capital gains and estate tax savings.
3. Donations can become contagious within a given area. That is, as more conservation donations are made, more people become aware of the numerous benefits to the donor. The benefits to the receiver are obvious while the benefits to the giver often are not. The public recognition and appreciation for the donor's generosity and public-spiritedness can be significant. Some landowners may enjoy the idea of a public park bearing their name.

**Sale:** In real estate terms, sale is the transfer of ownership for a price. Groups involved in the acquisition and holding of land range from federal, state and local environmental agencies to certain nonprofit conservation groups and others. Funding sources include the sale of municipal bonds, dedicated annual funds, conservation trust funds, real estate transfer fees, grant programs and charitable contributions. While acquisition at market value is the most traditional type of sale, there are several creative alternatives to be considered.

**Bargain Sale:** This approach combines the partial donation of a property with the sale of it. A bargain sale occurs when a parcel is sold for less than its market value. The difference between the market value and the bargain sale price represents the amount of donation. There are two main advantages to this approach: the grantor receives income from the sale and also gains tax benefits from the reduced sale price. The grantor must obtain an appraisal that the IRS will accept, in order to receive the full tax advantages of the bargain sale.

Advantages of Bargain Sale

- Can be a "win/win" situation: landowner benefits from sale income and tax advantage, and town acquisition funds are conserved.
- Minimizing the purchase price enhances the chances of a successful re-sale to another conservation group to ensure long-term protection.
- May help to leverage additional bargain sales and outright gifts within a given neighborhood or region.

**Transfer with Restrictions:** This technique is often used when a landowner must sell the property but wants to govern the future use of the land. In this case, the owner may choose to attach various restrictions to the deed prior to the sale. These determine the activities that can and cannot take place on the land in the future. Although this may reduce market value of the parcel somewhat, and IRS tax benefits, the owner does gain income and achieve other objectives as well. Future owners are obligated to abide by the restrictions.

**Limited Development:** This technique involves the sale of a portion of a parcel of land for development to subsidize the protection of the rest. It is probably the most controversial, and risky, approach to land protection. However, in the right circumstances (a healthy market and insufficient acquisition funds), this tool may be used with very positive results. It works best where there is a portion of the parcel that is not environmentally-sensitive and can be sold for carefully planned development. The following example may help illustrate limited development, and was successfully used by the towns of Harvard, Grafton and Westford:

*A conservation group wants to preserve a parcel that contains endangered species in the rear portion. The owners are moving out of the area and the property is on the market. The asking price is more than the conservation group can come up with. However, they know of several buyers interested in house lots along the road. The conservation group buys the entire property, but immediately sells the road frontage lots (the most expensive part of the parcel), thereby needing to use less from their acquisition fund to protect the endangered species.*

This technique can also be used when a landowner, perhaps a nonprofit land trust, faces unmanageable carrying costs for a parcel. In this case, the owner can identify an "insignificant" portion and sell it, reducing the carrying costs and providing funds to pay future costs. Although this points out why this technique sparks controversy, it can sometimes be the only way to avoid selling the entire parcel.

Advantages of Limited Development:

- Can be the only way to afford to protect a parcel.
- Good way to incorporate other community objectives, such as affordable housing, into the scheme.
- Provides flexibility when developing a conservation strategy for a particular parcel.

### **Deed Restriction**

Ownership of property in the United States encompasses numerous rights relating to the various uses of that property. The full array, or "bundle" of rights is commonly referred to as the fee-simple interest or fee-simple estate. The granting of a restriction or easement is an example of a less-than-fee interest since both parties, the grantor and grantee, are holders of separate portions of the original bundle as a result of the conveyance. As described above, a deed restriction is a right-of-use that has been transferred to another party, so the owner is prevented from exercising one or more of the bundle of rights normally associated with a fee-simple estate. One form of deed restriction is a conservation restriction.

Often the terms restriction and easement are used interchangeably. However, many professionals in the fields of land and resource protection consider there to be a distinction. An easement is considered to involve a "positive" granting of rights or permitted uses. For example, a public access easement grants the right to use a trail; a construction easement grants the right to use a given area, generally adjacent to the permanent easement area, to facilitate construction within the permanent easement area; a utility easement grants the right to bury a gas line. A restriction is considered to be a "negative" granting of rights. For example, an agricultural preservation restriction gives away (or sells) the right to develop the land; a historic preservation restriction gives away or sells the right to modernize at will.

A conservation restriction (CR) is a legal document that embodies those limitations on land use that a landowner agrees to impose on his or her property in favor of a named grantee, not to undertake specified acts that they would presumably otherwise have the right to do. The restricted activities often involve the right to develop or subdivide the property. CRs are granted to Conservation Commissions and other government bodies, as well as to non-profit land trusts and conservation groups. In turn, these entities (grantees of CRs) agree to monitor and enforce the terms of the CR.

The scope and nature of the CR is very flexible, allowing for "custom tailoring," based on the particulars of a specific property and the desires of the landowners, to ensure an identified conservation objective. The restrictions are generally in perpetuity (forever), and consequently are recorded at the Registry of Deeds. The restriction becomes attached to the title, which remains with the landowner (grantor). Anyone who purchases this title (the property) in the future automatically becomes subject to the same set of restrictions. CR's are authorized in Chapter 184, Sec. 31-33, of Massachusetts General Laws and those held by land trusts and municipalities must be approved by the Secretary of Environmental Affairs. Be certain to get adequate legal guidance in drafting your CRs.

Since CRs are usually forever, it is important to identify things that could happen in the future and prepare for them. It is largely the anticipation of impacts in the future that determines the effectiveness of the CR to protect the property. In other words, if the Town receives the CR, but files the document away, doesn't map the location of the property, and doesn't pay attention when new landowners violate the conditions of the restriction, the CR is ineffective. Inspection and enforcement are essential and are the responsibility of the grantee. Or, if a small

nonprofit land trust receives the CR and no successor is named, what will happen to the property if the land trust goes out of business in 10 years?

A CR can be structured in various ways. They range from a very simple, one-page document to an enormously complex, multi-party "instrument". Fortunately, most fall somewhere in-between. The following is provided as a very general guide to some essential elements of CRs:

1. Grantor's Clause - states who parties are.
2. Legal Description of Property
3. Statement of Purpose(s) and Objectives(s)
4. Listing of Prohibited Uses
  - a) to ensure conservation objectives
  - b) whatever is NOT prohibited is assumed to be allowed.
5. Reserved Rights (Permitted Uses)
  - a) to the grantor or a third party
6. Monitoring and Compliance
  - a) This is critical. Access to the property by the grantee for monitoring on a regular basis is essential. Enforcement of the terms, as a result of regular monitoring, becomes the "teeth" of the restriction.
7. IRS-required clauses, if applicable
8. Signatures
  - a) Co-holding (more than one grantee) is often a good idea to share the responsibility of monitoring and enforcement. However, coordination between co-holders needs to be maintained over time to ensure that these important duties are carried out fully and consistently. A successor grantee is also a good idea, especially if a nonprofit is the grantee - to be prepared if something happens to the nonprofit.
  - b) Includes acceptance and approval
9. Subordination clause, if applicable
10. Exhibits, if applicable

For a more detailed description of conservation restriction format and construction, please refer to The Massachusetts Conservation Restriction Handbook, EOEA Division of Conservation Services, 2001, or The Conservation Easement Handbook, by Thomas S. Barrett and Janet Diehl, Land Trust Exchange and Trust for Public Lands, 1988, as revised by Model Conservation Easement and Historic Preservation Easement, 1996, by Thomas S. Barrett and Stefan Nageel, Land Trust Alliance.

The advantages of using a CR include:

- They are often flexible enough to incorporate many desires and concerns of both the grantor and the grantee.
- The title remains with the landowner (grantor). This allows for continued use of the land within the restriction called out in the document.
- They can be donated - a definite advantage to the grantee and there is usually a tax benefit to the grantor.
- The purchase price (if not donated) to the grantee is less than the fee-simple interest for a given parcel. The value (cost) of the CR being the difference between the value of the property without the restriction and its value with the restriction.
- The municipal tax assessor may endorse a lower evaluation (and hence, tax assessment) for a property that is subject to a CR. Unfortunately, this is not done consistently across the Commonwealth.

Another useful resource for is the Land Conservation Options: A Guide for Massachusetts Landowners, by Essex County Greenbelt and The Trustees of Reservations, June 1998.

## **State Programs that Help Protect Resource Areas**

### **Wetlands Conservancy Program**

Formerly the Wetlands Restriction Program, this program has been changed to reflect the policy of no net loss of wetlands. The goal is to map all the state's wetlands, register them, and place land-use limitations on all of them, allowing only those activities that do not harm wetlands functions. The end product of the program is a permanent restriction order that is recorded at the Registry of Deeds and applies to the land regardless of ownership changes. The statewide program is implemented on a town-by-town basis, and is expected to take a few more years to complete. For more information, contact the Wetlands Conservancy Program, Division of Wetlands and Waterways, Department of Environmental Protection, 1 Winter Street, Boston, MA 02108 – (617) 292-5908.

### **Areas of Critical Environmental Concern Program**

The purpose of the Areas of Critical Environmental Concern (ACEC) program is to identify and protect critical resource areas throughout the Commonwealth. There are several categories of resources that can be included in an ACEC, ranging from wetlands and wildlife habitats to farmland and scenic landscapes. The program works through a nomination, review and designation process that can be initiated by municipal boards and commissions. An ACEC designation directs state environmental agencies to administer programs and review projects under their jurisdiction to protect and preserve the resources of the ACEC. A designation is intended to complement local zoning and actions, and create a planning and management framework for long-term resource preservation. A brochure describing the program is available. For further information, contact (for coastal areas) Coastal ACEC Program, Office of Coastal Zone Management, 251 Causeway Street, Boston, MA 02114, (617) 626-1200; (for inland areas) Inland ACEC Program, contact the Department of Environmental Management, Division of Resource Conservation, 136 Damon Road Northampton, MA 01060 or call at 413-586-8706 ext. 21, or visit online at <http://www.state.ma.us/dem/programs/acec>.

### **Massachusetts Endangered Species Act**

The act does two principal things:

1. Prohibits "taking" of any listed rare plants and animals (vertebrates and invertebrates) unless specifically permitted for scientific, educational or propagation purposes.
2. Protects designated "significant habitats". Significant habitat can be designated for endangered or threatened species populations after a public hearing process. Once designated, any alterations of significant habitat will, in most cases, require a permit from the Department of Fisheries, Wildlife and Environmental Law Enforcement. For more information, contact Division of Fisheries, Massachusetts Natural Heritage and Endangered Species Program, North Drive, Westborough, MA 01581, (508) 792-7821, or <http://www.state.ma.us/dfwele/nhesp/heritage>.

## **APPENDIX F: MANAGEMENT PLANNING FOR MUNICIPAL CONSERVATION AREAS**

### **General Land Use Objectives**

General objectives for a specific property can be determined from Sections 6, 7, and 8 of the Open Space and Recreation Plan. If more specific objectives for the use of a conservation area are needed, a committee may be formed to develop land use objectives. The committee could have members from the Conservation Commission, the Recreation Department, the Water Commission, abutters, and representatives from various user groups.

Examples of general objectives include:

- Wildlife sanctuary or water resource protection area - with "hands-off" management approach;
- Municipal forest - from which city or town may derive income from timber management; and
- Recreational purposes - such as swimming, picnicking, boating, fishing, hunting, trail use, playing field use, etc.

If the conservation area is large enough, objectives similar to these could be incorporated in different sections of the same property.

### **Inventory of Resources**

A great deal of information can be derived from Section 4 of the Open Space and Recreation Plan. The detail needed for an inventory can be determined from the land use objectives. In general, the more intensive the management that is needed, the more detailed the inventory must be. Gear the inventory to the objectives. For example:

- If it is to be a water resource protection area, the water department may want to take baseline data from test wells, or water quality and quantity data from lakes, ponds, streams, and rivers.
- If the community intends to initiate timber management, the inventory should include a detailed forest stand analysis. It may be advisable to contract with a forester to obtain this information and to develop silvicultural recommendations. A list of local loggers and sawmills should also be compiled. For information, contact DEM's Bureau of Forestry: <http://www.state.ma.us/dem/programs/forestry>.
- If the area is to be used for recreational use, a more thorough inventory may be needed, including:
  - Ground water, surface water, and vegetated wetlands.
  - Soil types and slope. Contact the USDA Natural Resource Conservation Service (<http://www.nrcs.usda.gov/>);
  - Recreational resources and patterns of use (How many people are using the area, and for what purposes? Are there any conflicts between user groups?) Information gathered during the compilation of the Statewide Comprehensive Outdoor Recreation Plan (<http://www.state.ma.us/envir/conservation>) as well as on-site user surveys may be useful for this portion of the inventory;
  - Structures, roads, utilities, equipment, vehicles, personnel and management funding sources and levels.

Important components of any inventory, regardless of intended land use, include locations of rare and endangered plant and animal species habitat, and locations of known or potential historical and archeological sites. Contact the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program at (508) 792-7821, the Massachusetts Historical Commission at (617) 727-8470, municipal historical commission, or other local experts.

### **Development of Management Recommendations**

- ◆ Police and Fire Department should be consulted concerning plans for rescue operations, fire control. In the case of heavily-used areas, evacuation plans may be useful.
- ◆ When town or regional water supply is involved, recommendations could include directions for regular testing of water quality and quantity and remedial action to mitigate contamination or drought situations.

- ◆ Recommendations for trail use may include separating conflicting user groups and relocating trails away from wetlands, steep slopes, highly-erodeable soils and other sensitive resources. Parking and signs must be strategically located.
- ◆ Recommendations for swimming areas may include suggestions for upgraded access, limiting numbers of users to prevent degradation of resources, water testing schedule and staffing levels.
- ◆ Recommendations for wildlife and fisheries management in areas that are open for hunting and fishing can be developed with the help of the DFWELE Division of Fisheries and Wildlife (Pittsfield, (413) 447-9789; Belchertown, (413) 323-7632; West Boylston, (508) 835-3607; Acton, (508) 263-4347; Westborough, (617) 727-2864; Buzzards Bay, 508 759-3406).
- ◆ Recommendations for using volunteers to help with trash pick-up, trail maintenance, etc. are a valuable addition to a Management Plan. You might also develop a program to enlist frequent users of the facility to monitor the area and report violations of rules and regulations to municipal officials.
- ◆ Specific management recommendations should be developed for fragile areas. Rare and endangered specific habitats and archeological sites are examples of this type of resource. Separation of different resource areas by sensitivity and significance can facilitate resource protection.
- ◆ The Department of Food and Agriculture (<http://www.state.ma.us/dfa>) and the USDA's Natural Resource Conservation Service (<http://www.nrcs.usda.gov/>) would be helpful resources.
- ◆ Of particular concern for areas that are heavily used by the public is the variable nature of funding levels. A management plan may include alternatives for management based on different funding levels.

## **APPENDIX G: URBAN PARK AND RECREATION RECOVERY (UPARR) PROGRAM**

### **What is UPARR?**

The Urban Park and Recreation Recovery (UPARR) program was established in November 1978 by Public Law 95-625, authorizing \$725 million to provide matching grants and technical assistance to economically distressed urban communities. The purpose of the program was to provide direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities. The law also encouraged systematic local planning and commitment to continuing operation and maintenance of recreation programs, sites, and facilities. Only cities and urban counties meeting established criteria are eligible for assistance.

### **Types of Grants**

Three types of grants have been available through the UPARR program - Rehabilitation, Innovation, and Planning. Rehabilitation grants provide capital funding to renovate or redesign existing close-to-home recreation facilities. Innovation grants usually involve more modest amounts of funding aimed at supporting specific activities that either increase recreation programs or improve the efficiency of the local government to operate existing programs. Planning grants provided funds for the development of a Recovery Action Program plan. To be eligible for Rehabilitation or Innovation grants a jurisdiction is required to maintain a current Recovery Action Program plan approved by the National Park Service. The Recovery Action Plan serves both as a guide to local action planning and as a statement of a community's commitment to the revitalization goals of the UPARR program.

### **Accomplishments**

From 1978 through 2000 the UPARR program awarded almost \$230 million for 1,295 grants to 400 local jurisdictions in 40 States, the District of Columbia and Puerto Rico. Rehabilitation - 548 grants, Innovation - 191 grants, and planning - 556 grants. Types of recreation facilities rehabilitated through the UPARR program included playgrounds, recreation centers, neighborhood parks, ball fields, tennis courts and basketball courts, swimming pools, picnic areas, and hike/bike/exercise trails. UPARR grants provided recreation opportunities for all ages, all ethnic groups, people with and without disabilities, senior citizens to at-risk youth, latchkey children, and young adults. Many non-recreation facilities such as an abandoned coal bunker in Jersey City, NJ, a parking garage in Wilmington, DE, old fire house in Portland, OR and Somerville, MA, national guard armories in Chicago and Mohawk, NY, were converted into recreation centers, and a shopping center sidewalk in Pascagoula, MS was put to better use as a fitness course for senior citizens.

Recreation sites rehabilitated through the UPARR program are protected under Section 1010 of the Urban Park and Recreation Recovery Act of 1978, as amended, Public Law 95-625.

For further information on the UPARR program please contact: National Park Service, Northeast Region, US Customs House, Stewardship and Partnership, 200 Chestnut Street, Philadelphia, PA 19106. Telephone: 215/597-9195; <http://www.ncrc.nps.gov/uparr>.



## APPENDIX H: ADA ACCESS SELF-EVALUATION

Under Federal Law, no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance. A key mechanism for ensuring compliance with this requirement is the ADA (Americans with Disabilities Act) Self-Evaluation, which is a required component of all Open Space and Recreation Plans.

The ADA Self-Evaluation determines how accessible a community's conservation and recreation programs and properties are to people with disabilities. It is a useful diagnostic tool for the community to recognize any shortcomings of the existing programs and develop a plan to remedy them. In addition to making sites accessible, these ADA improvements also result in more comfortable and safer parks, trails, and conservation and recreation programs.

The Massachusetts Office on Disability is a tremendous resource. They are located at One Ashburton Place, Room 1305, Boston, MA 02108, phone (617) 727-7440, V/TTY (800) 322-2020 or fax at (617) 727-0965, or visit them online at <http://www.state.ma.us/mod>.

### **GENERAL OVERVIEW**

#### ***What is a handicap?***

- A physical or mental impairment that substantially limits a major life activity such as caring for oneself, performing manual tasks, walking seeing, speaking, hearing, breathing, or learning, is a handicap. In addition, people who have a history of a handicap or are regarded as having a handicap are also protected under the law.

#### ***Who is a qualified handicapped person?***

- Terminology: The preferred term is "people with disabilities. Please use this term in the plan.
- Employment: The individual can perform the essential job functions with or without reasonable accommodation.
- Programs, Activities: The individual meets essential eligibility requirements.

#### ***What is a reasonable accommodation?***

- Reasonable accommodations can include renovating a building to make it accessible, restructuring a job by changing the work schedule, buying specialized equipment, and hiring others as readers or interpreters.

#### ***What is an "ADA Self-Evaluation"?***

- The self-evaluation is a detailed assessment of the administrative and employment practices of the recreation department and conservation commission. It also includes a site-by-site inventory of all recreation and conservation areas and buildings, programs or services and a transition plan if any changes are necessary to make these public facilities, programs, or services accessible.

#### ***What is included in the inventory?***

- **This inventory only involves properties under the jurisdiction of the conservation commission and recreation department (or Board of Selectmen if there is no recreation commission or department).** (This is *not* for the town hall, library, etc.) Included are the buildings, facilities and equipment (swimming areas, tot lots, etc), programs, and services. Programming may include a learn-to-swim program, guided hikes or tours, etc. Services include technical assistance for permitting process administered by the conservation commission.

#### ***What is Programmatic Accessibility?***

A key phrase is that the programs offered must be accessible when "viewed in their entirety." This means that not every existing facility, or portion of it, is completely accessible. Perhaps your park and recreation department offers the following activities: swimming, hiking, picnic areas, and play equipment. Not *all* activities at every location may be accessible but *some* pools, trails, picnic areas and play equipment *must* be made accessible within your system. Changes can include:

- structural changes;
- relocating services to accessible buildings;

- providing auxiliary aids such as audio tapes and sign language interpreters for your presentations;
- providing home visits; and
- delivering services to an alternate site that is accessible.

### ***How do we make improvements?***

The self-evaluation and transition plan must be written with the assistance of individuals with disabilities or an organization representing the disabled community. A transition plan is required if structural changes are necessary. The plan must: (1) identify physical obstacles; (2) describe necessary changes; (3) schedule those changes; and (4) identify the responsible individual.

## **REQUIRED ELEMENTS OF AN ADA SELF-EVALUATION REPORT**

The following three sections are required for all ADA Self-Evaluation reports, as part of a community's first Open Space and Recreation Plan or subsequent updates.

### ***Part 1: Administrative Requirements***

#### **1. Designation of an ADA Coordinator**

Attach official designation of employee responsible for ADA coordination with name and position title, and signed by the chief municipal officer.

#### **2. Grievance Procedures**

This is a procedure for the general public to follow in the event that a complaint must be made.

#### **3. Public Notification Requirements**

Employees and the public must be notified that the community does not discriminate on the basis of disability. Notification must be in a format that is accessible such as large print, simple language and in an auditory form. An "EOE" clause must also be included in any recruitment materials or publications. Please submit copies of these documents and evidence that notices were also made for the visual and learning impaired.

#### **4. Participation of Individuals with Disabilities or Organizations Representing the Disabled Community**

Completion of the Self-Evaluation must involve people with disabilities. You will need their help on Part II (the Inventory).

## SAMPLE GRIEVANCE POLICY

For the General Public

### EQUAL ACCESS TO FACILITIES AND ACTIVITIES

Maximum opportunity will be made available to receive citizen comments, complaints, and/or to resolve grievances or inquiries.

#### STEP 1:

The Town manager will be available to meet with citizens and employees during business hours.

When a complaint, grievance, request for program policy interpretation or clarification is received either in writing or through a meeting or telephone call, every effort will be made to create a record regarding the name, address, and telephone number of the person making the complaint, grievance, program policy interpretation or clarification. If the person desires to remain anonymous, he or she may.

A complaint, grievance, request for program policy interpretation or clarification will be responded to within ten working days (if the person making the complaint is identified) in a format that is sensitive to the needs of the recipient, (i.e. verbally, enlarged type face, etc).

Copies of the complaint, grievance, or request for program policy interpretation or clarification and response will be forwarded to the appropriate town agency (i.e. park commission, conservation commission). If the grievance is not resolved at this level it will be progressed to the next level.

#### STEP 2:

A written grievance will be submitted to the Town Manager. Assistance in writing the grievance will be available to all individuals. All written grievances will be responded to within ten working days by the Town Manager in a format that is sensitive to the needs of the recipient, (i.e. verbally, enlarged type face, etc.). If the grievance is not resolved at this level it will be progressed to the next level.

#### STEP 3:

If the grievance is not satisfactorily resolved, citizens will be informed of the opportunity to meet and speak with the Board of Selectmen, with whom local authority for final grievance resolution lies.

## ***Part II: Program Accessibility***

Part II, the Program Accessibility, is an Inventory and transition plan that includes the buildings, recreation facilities and equipment (swimming areas, tot lots, etc), programs, and services under the jurisdiction of the conservation commission or recreation department. This also includes lessees or concessionaires.

### **Facility Inventory**

Complete a separate inventory for each facility under the jurisdiction of the recreation department or conservation commission. You will need to photocopy several copies of the inventory so that you submit one inventory per site, or design your own format as long as all aspects of the site are covered.

Common recreation equipment is listed on blank inventory sheets in this handbook for your use. If your facility has equipment not mentioned in this inventory, please include it. You can design a form for this section that better fits your needs, just be sure to include all of the equipment or activities offered at the site and complete one form per site. The blank inventory forms also provide technical assistance on architectural standards.

### **Transition Plan**

A transition plan is required if structural changes are necessary. The plan must: (1) identify physical obstacles; (2) describe necessary changes; (3) schedule those changes; and (4) identify the responsible individual. The self-evaluation and transition plan must be written with an individual or organization representing the disabled community.

## ***Part III: Employment Practices***

Please have the municipal ADA Coordinator attest that the city or town's employment practices are in compliance with the Americans with Disabilities Act. The following major categories must be included in this signed statement: Recruitment, Personnel Actions, Leave Administration, Training, Tests, Medical Exams/Questionnaires, Social and Recreational Programs, Fringe Benefits, Collective Bargaining Agreements, and Wage and Salary Administration.

### **Tips for Compliance**

1. New techniques and technologies are being developed and approved all the time. New developments offer the combined benefits of expanding access to an ever-widening group of people, providing choices in developing a transition plan, and reducing the cost of compliance and retrofitting.
2. Consult the experts. Many State and Federal agencies and non-profit advocacy groups exist to work with you to provide access. Treat yourself, and fellow volunteers, to a field trip to DEM's Dunn Park in Gardner to enjoy a state of the art facility.
3. Keep a positive attitude. Some may adopt a negative perspective towards ADA requirements, view them as forcing costly and unnecessary improvements to retrofit existing facilities, when the money could be "better spent" elsewhere. Keep in mind that the goal is to provide opportunities to all of the community's residents, so that all may enjoy the "common wealth." These new visitors could increase the overall community support for your existing facilities and future plans.
4. Be creative. If cost is a problem, look for "low-tech" solutions. Often, program-based solutions may provide inexpensive fixes in place of costly structural retrofits. Alternatively, additional sources of funding may be available for ADA compliance projects.
5. Adopt a long-term perspective. Even if improvements are expensive now, the community will benefit from them for many generations. Amortized over this extended timeframe, the cost of most ADA requirements becomes quite reasonable.

**Facility Inventory**
**LOCATION:**

ACTIVITY	EQUIPMENT	NOTES
Picnic Facilities	Tables & Benches	Located adjacent to accessible paths
		Access to Open Spaces
		Back and Arm Rests
		Adequate number
	Grills	Height of Cooking Surface
	Trash Cans	Located adjacent to accessible paths
		Located adjacent to accessible paths
Picnic Shelters		Located adjacent to accessible paths
		Located near accessible water fountains, trash can, restroom, parking, etc.
Trails		Surface material
		Dimensions
		Rails
		Signage (for visually impaired)
Swimming Facilities	Pools	Entrance
		Location from accessible parking
		Safety features i.e. warning for visually impaired
	Beaches	Location from accessible path into water
		Handrails
		Location from accessible parking
Play Areas (tot lots)	All Play Equipment i.e. swings, slides	Shade provided
		Same experience provided to all
	Access Routes	Located adjacent to accessible paths
		Enough space between equipment for wheelchair
Game Areas: *ballfield *basketball *tennis	Access Routes	Located adjacent to accessible paths
		Berm cuts onto courts
	Equipment	Height
		Dimensions
		Spectator Seating
Boat Docks	Access Routes	Located adjacent to accessible paths
		Handrails
Fishing Facilities	Access Routes	Located adjacent to accessible paths
		Handrails
	Equipment	Arm Rests
		Bait Shelves
		Handrails
		Fish Cleaning Tables
Programming	Are special programs at your facilities accessible?	Learn-to-Swim
		Guided Hikes
		Interpretive Programs
Services and Technical Assistance	Information available in alternative formats i.e. for visually impaired	
		Process to request interpretive services (i.e. sign language interpreter) for meetings

## LOCATION

<b>PARKING</b>			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance			
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.			
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle			
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.			
Sign with international symbol of accessibility at each space or pair of spaces			
Sign minimum 5 ft, maximum 8 ft to top of sign			
Surface evenly paved or hard-packed (no cracks)			
Surface slope less than 1:20, 5%			
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present			
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow			
<b>RAMPS</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			
Minimum width 4 ft between handrails			
Handrails on both sides if ramp is longer than 6 ft			
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

## LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
Specification	Yes	No	Comments/Transition Notes
<b>Site Access</b>			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance			
Disembarking area at accessible entrance			
Surface evenly paved or hard-packed			
No ponding of water			
<b>Path of Travel</b>			
Path does not require the use of stairs			
Path is stable, firm and slip resistant			
3 ft wide minimum			
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch			
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane			
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			
<b>Entrances</b>			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance			
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

## NOTES

# LOCATION

STAIRS and DOORS			
Specification	Yes	No	Comments/Transition Notes
<b>Stairs</b>			
No open risers			
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1¼" and 1½"			
1½" clearance between wall and handrail			
<b>Doors</b>			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 pounds interior doors			
Threshold maximum ½" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			

## NOTES



## LOCATION

<b>RESTROOMS - also see Doors and Vestibules</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			
<b><i>At least one Sink:</i></b>			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
<b><i>At least one Stall:</i></b>			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
<b><i>Toilet</i></b>			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
<b><i>Grab Bars</i></b>			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
<b><i>Fixtures</i></b>			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			

## NOTES

**LOCATION**

<b>FLOORS, DRINKING FOUNTAINS, TELEPHONES</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
<b>Floors</b>			
Non-slip surface			
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
<b>Drinking Fountains</b>			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
<b>Telephones</b>			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
<b>SIGNS, SIGNALS, AND SWITCHES</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
<b>Switches, Controls and Signs</b>			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
<b>Signs</b>			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1½" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES

**LOCATION**

<b>SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

**LOCATION**

<b>SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

**LOCATION**

<b>PICNICKING</b>			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access			
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.			
Top of table no higher than 32" above ground			
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions			
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

## **References and Resources**

### **Organizations**

Adaptive Environments, 374 Congress Street, Suite 310, Boston, MA 02210. (800) 949-4232 (v/tty); <http://www.adaptenv.org/>.

American National Standards Institute, 1819 L Street, NW, Washington, DC 20036. (202) 293.8020; Fax: (202) 293.9287; <http://www.ansi.org/>.

The Access Board, 1331 F Street, NW, Suite 1000, Washington, DC 20004-1111. (202) 272-5434 (v), (202) 272-5449 (tty), (202) 272-5447 (fax). Federal standards: <http://www.access-board.gov/adaag/html/adaag.htm>.

Massachusetts Architectural Access Board, One Ashburton Place, Room 1310, Boston, MA 02108. (617) 727-0660 (v and tty), (617) 727-0665 (fax). State standards: [http://www.state.ma.us/aab/aab\\_regs.htm](http://www.state.ma.us/aab/aab_regs.htm).

Massachusetts Office on Disability, One Ashburton Place, Room 1305, Boston, MA 02108. (617) 727-7440 or (800) 322-2020 (voice and TTY); <http://www.magnet.state.ma.us/mod>.

National Center on Accessibility, Indiana University, 2805 East 10th St, Suite 190, Bloomington, IN 47408-2698. (812) 856-4422 (Voice), (812) 856-4421 (tty), (812) 856-4480 (Fax); <http://www.ncaonline.org/>.

U.S. Architectural and Transportation Barriers Compliance Board ("The Access Board"), 1331 F Street, NW, Suite 1000, Washington, DC 20004-1111. (800) 872-2253, (800) 993-2822 (tty), (202) 272-5447 (fax). Online at <http://www.access-board.gov>.

### **Publications**

*36 CFR Part 1191: Americans with Disabilities Act Accessibility Guidelines; Recreation Facilities.* U.S. Architecture and Transportation Compliance Board. Federal Register (July 9, 1999). Washington, D.C.

*36 CFR Part 1191: Americans with Disabilities Act Accessibility Guidelines; Play Areas.* U.S. Architecture and Transportation Compliance Board. Federal Register (April 30, 1998). Washington, D.C.

*ADA Transition Plan Workbook.* State House Bookstore, State House, Room 116, Boston, MA 02133.

*Americans With Disabilities Act Resource Guide for Park, Recreation, and Leisure Service Agencies, First Edition.* Lynn M. Casciotti, Editor. National Recreation and Park Association, Arlington VA, 1992.

*Americans with Disabilities Act, Public Law 226, 101<sup>st</sup> Congress.* U.S. Government Printing Office, July 26, 1990.

*Designing Sidewalks and Trails for Access: Review of Existing Guidelines and Practices.* Barbara McMillen (editor). U.S. Department of Transportation, 1999.

*Everyone's Nature: Designing Interpretation to Include All.* Carol Hunter. Falcon Press Publishing Co., Inc., Helena, Montana, 1994.

*Play for All Guidelines: Planning, Designing and Management of Outdoor Play Settings for All Children.* Robin Moore et al. MIG Communications, 1992.

*Reasonable Accommodation: Profitable Compliance with the Americans with Disabilities Act.* Jay W. Spechler. St. Lucie Press, Delray Beach FL, 1996.

*The Americans with Disabilities Act: A Review of Best Practices.* Timothy Jones. American Management Association Membership Publications Division, New York, 1993.

*Universal Access to Outdoor Recreation: A Design Guide.* PLAE, Inc., Berkeley CA, 1993.

*Universal Trail Assessment Coordinator Training Guide.* P. Axelson et al. Pax Press, Santa Cruz, 1997.

## APPENDIX I: MODEL OPEN SPACE SURVEY

### The Sutton Open Space Planning Survey

The Town is in the process of updating its 1991-1996 Recreation and Open Space Plan. An update is necessary to qualify for State reimbursement programs for acquisition and protection of important open space. This survey is being conducted as part of the update in order to understand the needs and concerns of the citizens of Sutton regarding open space and recreational facilities.

"Open Space" in this survey is defined as "public and privately owned undeveloped lands which are important for a variety of reasons, including recreation, agriculture, forestry or simply because of their scenic qualities and their contribution to the overall character of the town" Faced with significant growth now and in the future, open space planning will help us preserve open space while allowing development to occur that maintains the character of the town.

Please take a few minutes to answer all of the applicable questions. Thank you for your help!

#### OPEN SPACE:

1. Do you feel there is a need to preserve open space and natural areas in Sutton?

Yes No

5 - Very Important  
4 - Important  
3 - Neutral  
2 - Less important  
1 - Not important

2. How important is it to you to preserve:

Buildings of historical or architectural interest	5	4	3	2	1
Places of historical value	5	4	3	2	1
Farmlands	5	4	3	2	1
Open spaces to meet our water and conservation needs	5	4	3	2	1
Open space to meet our active recreational needs	5	4	3	2	1
Open space for aesthetics or passive recreation	5	4	3	2	1

3. To preserve Open Spaces in town, would you:

Contribute some land to the town/state/land trust	yes	no	not sure
Donate money to buy land	yes	no	not sure
Rewrite your deed to limit future development of your land	yes	no	not sure
Sell land to the town at a "bargain price"	yes	no	not sure
Sell or contribute a conservation restriction to protect Your land from future development	yes	no	not sure
Sell some land to the town at fair market value	yes	no	not sure
Vote for a town-supported land acquisition program	yes	no	not sure
Other (specify) _____	yes	no	not sure

4. What Town actions do you favor to preserve open space?

\_\_\_ Combination of public & private action  
\_\_\_ Receipt of conservation restrictions  
\_\_\_ Town purchase of land  
\_\_\_ Zoning for open space conservation  
\_\_\_ Mandatory dedication of open space by developers

5. What State actions do you favor to preserve open space?

\_\_\_ Outright purchase of land  
\_\_\_ Purchase of development rights  
\_\_\_ Property tax reduction programs for farm, forest and recreation land

- |   |     |    |          |
|---|-----|----|----------|
| 6. Are you satisfied with the places for children and youth to play and recreate in town? | yes | no | not sure |
| 7. Are you satisfied with the places available in town for recreational use by adults?    | yes | no | not sure |
| 8. Are you satisfied with the general condition of these facilities?                      | yes | no | not sure |

9. Please check the top five recreational facilities you feel are needed:

- |  |  |
|--|--|
| <input type="checkbox"/> Bike trails                     | <input type="checkbox"/> Local neighborhood parks      |
| <input type="checkbox"/> Conservation areas              | <input type="checkbox"/> Outdoor amphitheater          |
| <input type="checkbox"/> Children's play areas           | <input type="checkbox"/> Public access to water bodies |
| <input type="checkbox"/> Family picnic areas             | <input type="checkbox"/> Recreation center building    |
| <input type="checkbox"/> Softball field                  | <input type="checkbox"/> Soccer field                  |
| <input type="checkbox"/> Baseball field                  | <input type="checkbox"/> Swimming pool                 |
| <input type="checkbox"/> Basketball courts               | <input type="checkbox"/> Tennis courts                 |
| <input type="checkbox"/> Hiking & skiing trails          | <input type="checkbox"/> Library                       |
| <input type="checkbox"/> Ice skating rink                | <input type="checkbox"/> Other (specify) _____         |
| <input type="checkbox"/> Large park with many facilities |  |

10. How often do you visit the following for recreation ?:

- |  |   |   |   |   |   |
|--|---|---|---|---|---|
| <input type="checkbox"/> Marion's Camp     | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Water's Farm      | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Purgatory Chasm   | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> School facilities | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Veteran's Field   | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Unity Park        | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Town Common       | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Hough Road Fields | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Town Lakes        | 5 | 4 | 3 | 2 | 1 |
| <input type="checkbox"/> Other : _____     | 5 | 4 | 3 | 2 | 1 |

Visits per year:

- 5 - 15+  
4 - 10-15  
3 - 5-10  
2 - 1-5  
1 - Never

## GENERAL:

11. Do you consider Sutton: (Please circle most appropriate answer)

- |                     |                       |
|---------------------|-----------------------|
| A rural town        | A suburb of Worcester |
| A bedroom community | A town in transition  |

12. What type of business would you like to see in Sutton?

- |   |  |                                       |
|---|--|---------------------------------------|
| <input type="checkbox"/> Working farms  | <input type="checkbox"/> Heavy industry        | <input type="checkbox"/> Restaurants  |
| <input type="checkbox"/> Grocery/Food   | <input type="checkbox"/> Offices               | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Home business  | <input type="checkbox"/> Services              | _____                                 |
| <input type="checkbox"/> Light industry | <input type="checkbox"/> Retail stores(large)  | _____                                 |
| <input type="checkbox"/> Tourism        | <input type="checkbox"/> Retail stores (small) | _____                                 |